

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIDNEY BRITT

Defendant.

8:19-CR-28

ORDER

This matter is before the Court on Defendant's, Sidney Britt's, Motion Under [28 U.S.C. §2255](#). [Filing 148](#). Pursuant to Rule 4 of the *Rules Governing Section 2255 Cases in the United States District Courts*, the Court is to dismiss the motion "[i]f it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief" Based upon the Court's review of the Motion, the Court cannot make such determination at this time. The parties are advised that this determination is preliminary only.

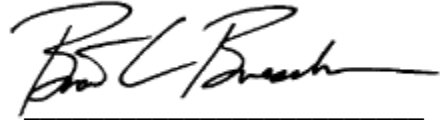
Accordingly, this action will be progressed as follows:

IT IS ORDERED:

1. Plaintiff shall answer Britt's Motion by August 14, 2020. The answer must address the allegations set forth in Defendant's Motion and otherwise comply with the requirements of Rule 5(b) and (c) of the *Rules Governing Section 2255 Cases in the United States District Courts*.
2. Not later than thirty days following the filing of Plaintiff's answer, Britt may file a brief in reply. *See* Rule 5(d) of the *Rules Governing Section 2255 Cases in the United States District Courts*.
3. No discovery shall be undertaken without leave of court. *See* Rule 6 of the *Rules Governing Section 2255 Cases in the United States District Courts*.
4. The Clerk of Court is directed to provide a copy of this Order and Defendant's § 2255 Motion ([Filing 148](#)) to Defendant and the United States Attorney's Office for the District of Nebraska.

Dated this 13th day of July, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B. C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge